

**MINUTES  
COLUMBUS BOARD OF ZONING APPEALS  
FEBRUARY 22, 2011  
COUNCIL CHAMBERS, 2<sup>nd</sup> FLOOR, CITY HALL  
123 WASHINGTON STREET  
COLUMBUS, INDIANA**

**Members Present:** Mary Ferdon, Chairperson; Lou Marr, Dave Bonnell,  
Dave Fisher, alternate

**Staff Present:** Heather Pope, Senior Planner; Derek Naber Associate  
Planner; Alan Whitted, City Attorney; and Stephanie Carr,  
Code Enforcement

**PUBLIC MEETING**

Mary Ferdon, Chairman, opened the meeting with a brief explanation about the Board and its responsibilities.

The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted City Attorney administered the oath to all in attendance that would be speaking.

**OLD BUSINESS REQUIRING BOARD ACTION**

None

**NEW BUSINESS REQUIRING BOARD ACTION**

**C/UV-11-01: Fraternal Order of Police**

The Fraternal Order of Police is requesting a use variance from Zoning Ordinance Section 3.23 (A) to allow a private club in a I2 (General Industrial) zoning district. The property is located at 2120 West County 450 South in the City of Columbus.

Ms. Pope began the meeting by reading the background into the record.

She said the property was platted as Lot 2 of Willoughby's Minor Plat in 1979 (B/MP-79-04).

She said the lot was annexed to the City of Columbus in 1989 and the property was rezoned from AG (Agriculture) to B-1 (Neighborhood Business) in 1993.

Ms. Pope said a daycare center was approved to be at this location in 1993 and a freestanding sign was approved for the daycare center.

She said the property was rezoned from B-1 (Neighborhood Business) to I2 (General Industrial) in 2007.

Ms. Pope said the property has been sitting empty for a few years now and previously was used as a child daycare facility for about 10 years.

She said the property is owned by Kocolene at this time and the Fraternal Order of Police have a contract to buy this property with the condition that the use variance is granted.

Ms. Pope said that the petitioners are proposing to either remodel or reconstruct the existing 2,500 square feet building.

The petitioners plan to provide a gathering area for approximately 100 people, a kitchen area, two restrooms, two to three offices, and a storage area. The detached garage will remain and will be used for storage.

The petitioner's plan is to use the existing parking lot for parking for their events. Ms. Pope said that based on Section 7.1 of the Zoning Ordinance, one parking space is required for every three seats in the largest assembly area and the petitioners are proposing an assembly area that will accommodate 100 people. She added there are 34 parking spaces required for the proposed use and the existing parking lot has 13 parking spaces identified and striped. The petitioner states that 35 standard parking spaces can be provided on the existing paved area.

Ms. Pope said the petitioner's state that an average gathering at the facility will be 15-25 people, however there are up to 6 times a year that a gathering could be around 90 people. These could include receptions, tournaments, and annual dinners.

She said the daycare facility received approval for the installation of a 5 foot tall freestanding sign, with a sign face of 48 square feet in 1993. The petitioners are proposing to keep the existing freestanding sign.

Alan Trisler, 2900 W 200 S, Columbus, presented the request.

He said the Fraternal Order of Police, is seeking to relocate the lodge to this property.

Mr. Trisler said that they had been at their current location on Carr Hill Road for many years and they leased it from White River Broadcasting and would like a place of their own.

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Mr. Fisher asked if White River Broadcasting was paying property taxes on the property they currently were leasing, and if they would anticipate paying property taxes on the property they wished to purchase.

Mr. Trisler responded yes that White River Broadcasting did pay taxes and the FOP plans on paying taxes on this property.

Mr. Fisher asked Alan if he had any comments about the property taxes and if the Fraternal Order of Police could be exempt to pay taxes.

Mr. Whitted responded that there are times where non-profit organizations still can be taxed if they are involved in commercial related activities, even though they are not for profit. However, whether the petitioner pays property taxes or not should not be a consideration for the Board. The Board has the criteria by which to review the case by.

The meeting was open to the public.

President of Kocolene, Gary Meyer, 7656 North County Road 875 East, was in favor of the variance request. He said he felt good about the proposed intended use and thought it would be a great place for the police and their families.

Todd Berger, 3346 Nugent Blvd, was opposed to the variance request because he did not feel private clubs were appropriate uses in Industrial zoning.

The following letters were read into the record, supporting the proposed request: William Martin, Global Security manager for Cummins, James Worton, Police Chief, Tsutoma Ehara, Precision Tools Services, Mike Montgomery, Centra Credit Union and John Stacey, neighboring residential property owner.

The meeting was closed to the public.

Ms. Marr stated that she had a big concern about the little 2 acre plot and she would like to see it all plated together as one piece of property. She said that she believed it would cause problems in the future.

Mr. Trisler said that at this time they were not going to do anything with the 2 acre piece of property but they did intend on purchasing the property.

Ms. Pope said that since the FOP was not going to be doing anything with the smaller piece of property they opted to just file the Use Variance, at this time, for the larger piece of property. They would have to file a Conditional Use request for the 2 acre parcel in order to use it as part of the FOP since it is zoned CC (Community Commercial).

Mr. Fisher said he believed they would use the 2 acres at some point to park cars or hold a baseball game and he agreed with Ms. Marr that this is not a good situation.

There was a brief discussion about if anything could be done about the property and Mr. Fisher asked if the petitioners could be persuaded to come back in the near future with a Conditional Use request for the 2 acre parcel.

Mr. Trisler said that they would probably return with a Conditional Use request at some point in time.

Dave Bonnell made a motion to approve **C/UV-11-01** based on the staff's findings of fact with the condition that the FOP will submit to the Planning Department a site plan showing 34 parking spaces and if an addition needs to be made to the existing parking lot to accommodate the needed parking spaces then landscaping will be installed around the new section of parking lot as per the Zoning Ordinance.

Lou Marr seconded the motion, and it passed 4-0.

Dave Bonnell made a second motion to waive the filing fee, should the FOP apply for a conditional use permit for lot 1 within the next year.

Dave Fisher seconded the motion, and it passed 4-0.

### **C/DS-11-01: AMC Showplace**

The AMC Showplace is requesting a development standards variance from Zoning Ordinance Section 10, Table 10.1 to allow a total of 368 square feet of signage, 18 square feet more than permitted. The property is located at 555 Creekview Court in the City of Columbus.

Mr. Naber began the meeting by reading the background and there was a power point presentation.

Mr. Naber said the CR (Commercial Regional) zoning district permits 2 wall signs for each frontage per use and is permitted wall signage equal to a maximum total area of 15% of all front walls or 350 square feet, whichever is less.

He said the applicant has several options available which would allow them to install a new sign on the building without a variance.

1. The applicant could install a sign that is 83 square feet or less.

2. The applicant could reduce the square footage amount of existing signage by 18 square feet.
3. The applicant could remove other existing signs.

Chris Heitz, 905 Industrial Drive, Madison, Indiana, presented the request.

Mr. Fisher stated that he had been contacted by David Force about this hearing. Mr. Force stated that he was in favor of this variance request.

Mr. Heitz presented the case with a power point presentation.

He said that the strict application of the Zoning Ordinance will create visibility and way-finding difficulties for AMC. The property that AMC is located on is situated with an unusual orientation. He said the actual front entrance comes from the back of the building and goes around the sides of the building.

Mr. Heitz said since all the existing signage is on the front of the building, there is not any signage that identifies the theater to motorists in the vicinity, and allowing the usage of a sign on the side of the building would show passing motorists where the theater is and how to get there.

The meeting was open to the public.

There was no one to speak at the public meeting.

The meeting was closed to the public.

Dave Fisher made a motion to approve **C/DS-11-01** accepting the findings of staff for criteria 1 and 2 and adding that criteria 3 has been met because of the location of the property and the way the building is situated on the property making it difficult to view.

Dave Bonnell seconded the motion, and it passed 4-0.

## **FINDINGS OF FACT**

### **C/DS-10-34: Gamestop**

Dave Fisher made a motion to accept the findings of fact, which was seconded by Lou Marr. The motion carried by a vote of 3-0

**APPROVAL OF MINUTES**

Lou Marr made a motion to accept the minutes of the January 25, 2011 meeting. The motion was seconded by Dave Fisher, and passed by a vote of 3-0.

**DISCUSSION:**

There was a discussion about procedures that the Planning Department goes through when petitioners file their variance requests.

Ms. Ferdon suggested that they continue their discussion at the next meeting.

There being no more discussion the meeting was adjourned.

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Mary Ferdon, Chairperson

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Dave Bonnell, Secretary